



Doug Liden  
Environmental Engineer  
U.S. Environmental Protection Agency Region 9  
Water Division  
75 Hawthorne St.  
San Francisco, CA 94105  
Via email [liden.douglas@epa.gov](mailto:liden.douglas@epa.gov)

**Re: Freedom of Information Act Request – Water Quality Data for Tijuana River Valley**

Dear Mr. Liden:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, the Surfrider Foundation ("Surfrider") hereby requests information relating to the water quality testing, results, and analyses within the last five years for the Tijuana River Valley. We request any supporting documentation prepared by or submitted to the United States Environmental Protection Agency ("EPA") regarding water quality data, including studies or reports prepared by others.

Surfrider requests from EPA any and all written, recorded, or graphic material, whether or not prepared by EPA or in its possession, custody, or control, including forms, maps, memoranda, reports, surveys, models, studies, letters, telegrams, facsimiles, electronic correspondence (including emails, e-presentations, and notes, minutes, and transcripts of conferences, meetings, and telephone or other communications) that comprise, discuss, or relate to any communications between (1) EPA and the United States International Boundary and Water Commission ("IBWC"), (2) EPA and any state or federal agency, or (3) EPA and any employee of or consultant, contractor, lobbyist, or person working on behalf of a state or federal agency regarding the Tijuana River Valley and corresponding coastal water quality within the last five years. Without limiting the generality of the foregoing, Surfrider requests:

- (1) Any and all correspondence between EPA and IBWC regarding the testing, results, or analyses of water quality, soil contamination, or environmental degradation in the Tijuana River Valley and adjacent coastal area;
- (2) Any and all documents relating to the testing, results, or analyses of water quality, soil contamination, or environmental degradation in the Tijuana River Valley and adjacent coastal areas;
- (3) Any and all correspondence between EPA and any third parties that discusses or is related to the subject matter in category (1) or (2); and

(4) Any and all internal correspondence generated or circulated within EPA that discusses or is related to the subject matter in categories (1), (2) or (3) above.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. See 5 U.S.C. § 552 (a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552 (b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. See 5 U.S.C. § 552 (a)(6)(A)(i).

Additionally, we request that all charges (e.g., copying and search charges) be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). The requested information is not sought for commercial purposes, and disclosure of the impacts of the Tijuana River Valley is in the public interest. Surfrider is a nonprofit, public interest organization and the requested information is for the public benefit. The requested documents are sought to ensure conformance with environmental laws and regulations, and to educate our members and the public on the impacts to the Tijuana River Valley and adjacent coastal areas. Under these circumstances, Surfrider is entitled to a fee waiver. *See Carney v. Department of Justice*, 19 F.3d 807 (regarding ability of requester to disseminate information); *Larson v. CIA*, 843 F.2d 1481 (D.C. Cir. 1988) (stating fee waiver is proper where information is not sought for commercial purposes, and where disclosure would contribute significantly to understanding of government operations or activities).

If you have any questions regarding this request, please feel free to email me at [afoo@surfrider.org](mailto:afoo@surfrider.org). Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Amy Foo', with a stylized, cursive script.

Amy Foo, Esq.  
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